

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

HAEBERLIN ET AL.

APPLICATION NO: 09/694,209

FILED: OCTOBER 23, 2000

FOR: ENTERIC-COATED PHARMACEUTICAL COMPOSITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Schwarzwaldallee 215, Basel, Switzerland 4058, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on October 30, 2000 at Reel/Frame 011257/0543.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,025,391 issued February 15, 2000. Said Patent No. 6,025,391 is also assigned to Novartis AG by virtue of an assignment which was recorded in the United States Patent and Trademark Office on December 6, 1999 at Reel/Frame 010473/0794.

Also, Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,172,107 issued January 9, 2001. Said Patent No. 6,172,107 is also assigned to Novartis AG by virtue of an assignment which was recorded in the United States Patent and Trademark Office on October 30, 2000 at Reel/Frame 011257/0543

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent Nos. 6,025,391 and 6,172,107 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimers, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend (i) to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,025,391, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer or (ii) to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,172,107, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 15th day of May, 2001 by the undersigned attorney of record.

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